

**Senator Curtis S. Bramble** proposes the following substitute bill:

**SENTINEL LANDSCAPE AND LOCAL LAND USE AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Val L. Peterson**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill requires municipalities and counties to develop a compatible use plan to ensure proposed land uses within a certain distance of military land are compatible with military uses.

**Highlighted Provisions:**

This bill:

- defines terms;
- requires a municipality or county, in consultation with the Department of Veterans and Military Affairs, to develop a compatible use plan related to certain lands near military land;
- requires a municipality or county to notify the Department of Veterans and Military Affairs when the municipality or county receives a land use application relevant to military land;
- requires the Department of Veterans and Military Affairs to evaluate the proposed land use for compatibility with military operations on the military land;
- grants rulemaking authority to the Department of Veterans and Military Affairs to make rules necessary to create a compatible use plan; and
- prohibits a political subdivision from restricting property owners of adjoining land



from entering into an agreement to provide a right-of-way for the purpose of gaining a secondary access to an owner's property.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-9a-533**, as enacted by Laws of Utah 2021, Chapter 385

**17-27a-529**, as enacted by Laws of Utah 2021, Chapter 385

**71-8-2**, as last amended by Laws of Utah 2020, Chapter 409

ENACTS:

**10-9a-537**, Utah Code Annotated 1953

**17-27a-533**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **10-9a-533** is amended to read:

**10-9a-533. Infrastructure improvements involving roadways.**

(1) As used in this section:

(a) "Low impact development" means the same as that term is defined in Section **19-5-108.5**.

(b) (i) "Pavement" means the bituminous or concrete surface of a roadway.

(ii) "Pavement" does not include a curb or gutter.

(c) "Residential street" means a public or private roadway that:

(i) currently serves or is projected to serve an area designated primarily for single-family residential use;

(ii) requires at least two off-site parking spaces for each single-family residential property abutting the roadway; and

(iii) has or is projected to have, on average, traffic of no more than 1,000 trips per day, based on findings contained in:

(A) a traffic impact study;

(B) the municipality's general plan under Section 10-9a-401;

(C) an adopted phasing plan; or

(D) a written plan or report on current or projected traffic usage.

(2) (a) Except as provided in Subsection (2)(b), a municipality may not, as part of an infrastructure improvement, require the installation of pavement on a residential street at a width in excess of 32 feet if the municipality requires low impact development for the area in which the residential street is located.

(b) Subsection (2)(a) does not apply if a municipality requires the installation of pavement:

(i) in a vehicle turnaround area; or

(ii) to address specific traffic flow constraints at an intersection or other area.

(3) (a) A municipality shall, by ordinance, establish any standards that the municipality requires, as part of an infrastructure improvement, for fire department vehicle access and turnaround on roadways.

(b) The municipality shall ensure that the standards established under Subsection (3)(a) are consistent with the State Fire Code as defined in Section 15A-1-102.

(4) A municipality may not restrict property owners of adjoining land, regardless of the municipality or county in which the land is located, from entering into an agreement to provide a right-of-way for the purpose of gaining a secondary access to an owner's property.

Section 2. Section 10-9a-537 is enacted to read:

**10-9a-537. Land use compatibility with military use.**

(1) As used in this section:

(a) "Department" means the Department of Veterans and Military Affairs.

(b) "Military" means a branch of the armed forces of the United States, including the Utah National Guard.

(c) "Military land" means the following land or facilities:

(i) Camp Williams;

(ii) Hill Air Force Base;

(iii) Dugway Proving Ground;

(iv) Tooele Army Depot;

(v) Utah Test and Training Range;

88 (vi) Nephi Readiness Center;

89 (vii) Cedar City Alternate Flight Facility; or

90 (viii) Little Mountain Test Facility.

91 (2) (a) Except as provided in Subsection (2)(b), on or before July 1, 2025, for any area  
92 in a municipality within 5,000 feet of a boundary of military land, a municipality shall, in  
93 consultation with the department, develop and maintain a compatible use plan to ensure  
94 permitted uses and conditional uses relevant to the military land are compatible with the  
95 military operations on military land.

96 (b) A municipality that has a compatible use plan as of January 1, 2023, is not required  
97 to develop a new compatible use plan.

98 (3) If a municipality receives a land use application, other than an individual building  
99 permit, related to land within 5,000 feet of a boundary of military land, before the municipality  
100 may approve the land use application, the municipality shall notify the department in writing.

101 (4) If the department receives the notice described in Subsection (3), the executive  
102 director of the department shall:

103 (a) determine whether the proposed land use is compatible with the military use of the  
104 relevant military land; and

105 (b) within 90 days after the receipt of the notice described in Subsection (3), respond in  
106 writing to the municipality regarding the determination of compatibility described in  
107 Subsection (4)(a).

108 (5) If the department receives the notice described in Subsection (3) before the  
109 municipality has completed the compatible use plan as described in this section, the department  
110 shall consult with the municipality and representatives of the relevant military land to  
111 determine whether the use proposed in the land use application is a compatible use.

112 Section 3. Section **17-27a-529** is amended to read:

113 **17-27a-529. Infrastructure improvements involving roadways.**

114 (1) As used in this section:

115 (a) "Low impact development" means the same as that term is defined in Section  
116 **19-5-108.5.**

117 (b) (i) "Pavement" means the bituminous or concrete surface of a roadway.

118 (ii) "Pavement" does not include a curb or gutter.

(c) "Residential street" means a public or private roadway that:

(i) currently serves or is projected to serve an area designated primarily for single-family residential use;

(ii) requires at least two off-site parking spaces for each single-family residential property abutting the roadway; and

(iii) has or is projected to have, on average, traffic of no more than 1,000 trips per day, based on findings contained in:

(A) a traffic impact study;

(B) the county's general plan under Section 17-27a-401;

(C) an adopted phasing plan; or

(D) a written plan or report on current or projected traffic usage.

(2) (a) Except as provided in Subsection (2)(b), a county may not, as part of an infrastructure improvement, require the installation of pavement on a residential street at a width in excess of 32 feet if the county requires low impact development for the area in which the residential street is located.

(b) Subsection (2)(a) does not apply if a county requires the installation of pavement:

(i) in a vehicle turnaround area; or

(ii) to address specific traffic flow constraints at an intersection or other area.

(3) (a) A county shall, by ordinance, establish any standards that the county requires, as part of an infrastructure improvement, for fire department vehicle access and turnaround on roadways.

(b) The county shall ensure that the standards established under Subsection (3)(a) are consistent with the State Fire Code as defined in Section 15A-1-102.

(4) A county may not restrict property owners of adjoining land, regardless of the municipality or county in which the land is located, from entering into an agreement to provide a right-of-way for the purpose of gaining a secondary access to an owner's property.

Section 4. Section 17-27a-533 is enacted to read:

**17-27a-533. Land use compatibility with military use.**

(1) As used in this section:

(a) "Department" means the Department of Veterans and Military Affairs.

(b) "Military" means a branch of the armed forces of the United States, including the

150 Utah National Guard.

151 (c) "Military land" means the following land or facilities:

152 (i) Camp Williams;

153 (ii) Hill Air Force Base;

154 (iii) Dugway Proving Ground;

155 (iv) Tooele Army Depot;

156 (v) Utah Test and Training Range;

157 (vi) Nephi Readiness Center;

158 (vii) Cedar City Alternate Flight Facility; or

159 (viii) Little Mountain Test Facility.

160 (2) (a) Except as provided in Subsection (2)(b), on or before July 1, 2025, for any area  
161 in a county within 5,000 feet of a boundary of military land, a county shall, in consultation with  
162 the department, develop and maintain a compatible use plan to ensure permitted uses and  
163 conditional uses relevant to the military land are compatible with the military operations on  
164 military land.

165 (b) A county that has a compatible use plan as of January 1, 2023, is not required to  
166 develop a new compatible use plan.

167 (3) If a county receives a land use application, other than an individual building permit,  
168 related to land within 5,000 feet of a boundary of military land, before the county may approve  
169 the land use application, the county shall notify the department in writing.

170 (4) If the department receives the notice described in Subsection (3), the executive  
171 director of the department shall:

172 (a) determine whether the proposed land use is compatible with the military use of the  
173 relevant military land; and

174 (b) within 90 days after the receipt of the notice described in Subsection (3), respond in  
175 writing to the county regarding the determination of compatibility described in Subsection

176 (4)(a).

177 (5) If the department receives the notice described in Subsection (3) before the county  
178 has completed the compatible use plan as described in this section, the department shall consult  
179 with the county and representatives of the relevant military land to determine whether the use  
180 proposed in the land use application is a compatible use.

Section 5. Section 71-8-2 is amended to read:

**71-8-2. Department of Veterans and Military Affairs created -- Appointment of executive director -- Department responsibilities.**

(1) There is created the Department of Veterans and Military Affairs.

(2) The governor shall appoint an executive director for the department, after consultation with the Veterans Advisory Council, who is subject to Senate confirmation.

(a) The executive director shall be an individual who:

(i) has served on active duty in the armed forces for more than 180 consecutive days;

(ii) was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized; ~~or~~

(iii) incurred an actual service-related injury or disability in the line of duty, whether or not that person completed 180 consecutive days of active duty; and

(iv) was separated or retired under honorable conditions.

(b) Any veteran or veterans group may submit names to the council for consideration.

(3) The department shall:

(a) conduct and supervise all veteran activities as provided in this title;

(b) determine which campaign or combat theater awards are eligible for a special group license plate in accordance with Section 41-1a-418;

(c) verify that an applicant for a campaign or combat theater award special group license plate is qualified to receive it;

(d) provide an applicant that qualifies a form indicating the campaign or combat theater award special group license plate for which the applicant qualifies;

(e) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry out the provisions of this title; ~~and~~

(f) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:

(i) under this title;

(ii) by the department; or

(iii) by an agency or division within the department~~[-]; and~~

(g) consult with municipalities and counties regarding compatible use plans as

described in Sections [10-9a-537](#) and [17-27a-533](#).

(4) (a) The department may award grants for the purpose of supporting veteran and military outreach, employment, education, healthcare, homelessness prevention, and recognition events.

(b) The department may award a grant described in Subsection (4)(a) to:

(i) an institution of higher education listed in Section [53B-1-102](#);

(ii) a nonprofit organization involved in veterans or military-related activities; or

(iii) a political subdivision of the state.

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules for the administration of grants, including establishing:

(i) the form and process for submitting an application to the department;

(ii) the method and criteria for selecting a grant recipient;

(iii) the method and formula for determining a grant amount; and

(iv) the reporting requirements of a grant recipient.

(d) A grant may be awarded by the department only after consultation with the Veterans Advisory Council.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules related to:

(a) the consultation with municipalities and counties regarding compatible use plans as required in Subsection (3)(g); and

(b) criteria to evaluate whether a proposed land use is compatible with military operations.

~~[(5)]~~ (6) Nothing in this chapter shall be construed as altering or preempting the provisions of Title 39, Militia and Armories, as specifically related to the Utah National Guard.